

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOUG ESSIG and JOYCE McCORT,

Plaintiffs,

vs.

Case 1:21-cv-00782

BERRIEN COUNTY, CITY OF
BRIDGMAN, DANIEL UNRUH,
ROBERT CLEVELAND, TIFFANY
PETERSON and LANCE SWEET,

HON. ROBERT J. JONKER

Defendants.

Celeste M. Dunn (P61819)
Attorney for Plaintiffs
CELESTE M. DUNN, PLC
P.O. Box 230
Clarkston, MI 48347
Tel: 248-701-3467
celestemdunnplc@gmail.com

Charles E. Dunn (P54791)
Attorney for Plaintiffs
CHARLES E. DUNN, PLC
P. O. Box 230
Clarkston, MI 48347
Tel: 248-807-6284
charlesdunnplc@gmail.com

James T. McGovern (P79410)
James M. Straub (P21083)
Attorneys for Defendants City of
Bridgman, Daniel Unruh, and
Robert Cleveland
STRAUB, SEAMAN & ALLEN, P.C.
1014 Main Street, POB 318
St. Joseph, MI 49085
Tel: 269-982-1600
jmcgovern@lawssa.com
jstraub@lawssa.com

Allan C. Vander Laan (P33893)
Kristen Lee Rewa (P73048)
Meigs M. Day (P36929)
Attorneys for Defendants Berrien
County, Tiffany Peterson and
Lance Sweet
CUMMINGS, McCLOREY, DAVIS
& ACHO, PLC
2851 Charlevoix Dr., SE, Ste. 327
Grand Rapids, MI 49546
Tel: 616-975-7470
avanderlaan@cmda-law.com
krewa@cmda-law.com
mday@cmda-law.com

STIPULATION OF DISMISSAL OF CERTAIN COUNTS WITH PREJUDICE

Plaintiffs filed their First Amended Complaint on January 10, 2022. (ECF No. 16).

Plaintiffs agreed to dismiss certain defendants from certain counts per agreement of all parties.

IT IS HEREBY STIPULATED by and between the respective parties that, pursuant to Fed. R. Civ. P. 41(a)(1), Counts I and II against Defendant Unruh only (and continue against Defendant Cleveland only), Count III against Defendant Cleveland only (and continues against Unruh and Peterson), Counts IV and V in their entirety, and Count VI and Count VIII against Defendant City of Bridgman only (and continue against Berrien County), are hereby **DISMISSED WITH PREJUDICE** for all purposes, with each party to bear its own costs. The case continues as to all other remaining Counts.

SIGNED and **ENTERED** this 5th day of May, 2023.

/s/ Robert J. Jonker

HONORABLE ROBERT J. JONKER
UNITED STATES DISTRICT COURT JUDGE

STIPULATED AND AGREED:

/s/ Charles E. Dunn (w/permission-see attached)
Charles E. Dunn (P54791)
Charles E. Dunn, PLC
Attorney for Plaintiffs
P.O. Box 230
Clarkston, MI 48347
(248) 701-3467
charlesdunnplc@gmail.com

/s/ Meigs M. Day (w/permission-see attached)
Meigs M. Day (P36929)
Cummings, McClorey, Davis & Acho
Attorneys for Berrien Defendants
2851 Charlevoix Dr., S.E. – Suite 327
Grand Rapids, MI 49546
(616) 975-7470
mday@cmda-law.com

/s/ James T. McGovern

James T. McGovern (P79410)
Straub, Seaman & Allen, P.C.
Attorneys for Bridgman Defendants City of Bridgman,
Daniel Unruh, and Robert Cleveland
1014 Main Street, P.O. Box 318
St. Joseph, MI 49085
(269) 982-1600
jmcgovern@lawssa.com

From: Meigs M. Day
To: James T. McGovern; charlesdunnplc@gmail.com; Celeste Dunn
Cc: Kristen Rewa; Wendy Hayes
Subject: FW: Essig & McCort v Berrien Co, et al; Our File No. 235.43284
Date: Friday, April 28, 2023 9:26:11 AM
Attachments: Stipulation - Dismissal of Certain Claims Against Bridgman Defendants-4.28.23.DOCX

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James,

You have permission to "sign" my name to the stipulation and submit the proposed Order. Thanks,

Meigs M. Day
Cummings, McClorey, Davis & Acho, PLC
mday@cmda-law.com

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From: James T. McGovern <jmcgovern@lawssa.com>
Sent: Friday, April 28, 2023 8:49 AM
To: Charles Dunn <charlesdunnplc@gmail.com>
Cc: Celeste Dunn <celestemdunnplc@gmail.com>; Meigs M. Day <mday@cmda-law.com>
Subject: RE: Essig & McCort v Berrien Co, et al; Our File No. 235.43284

Mr. Dunn and Mr. Day – see the proposed Stip. Dismissal. If it is approved then please email me so we can e-sign and attach your permission. Otherwise, let me know if any part is incorrect or in need of edits.

The surviving claims in the First Amended Complaint will be:

Cleveland as to Count I and Count II
Unruh and Peterson as to Count III
Sweet as to Count VII
Berrien as to the Monell in Count VI and Count VIII
Count IX

James T. McGovern, Esq.
Straub, Seaman & Allen, P.C.

1014 Main Street, St. Joseph, MI 49085
Direct: 269-982-7728
Cell: 773-580-0559

From: Charles Dunn <charlesdunnplc@gmail.com>
Sent: Friday, April 28, 2023 6:56 AM
To: James T. McGovern <jmcgovern@lawssa.com>
Cc: Celeste Dunn <celestemdunnplc@gmail.com>
Subject: Re: Essig & McCort v Berrien Co, et al; Our File No. 235.43284

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Mr. McGovern, following up our conversation yesterday, Plaintiffs agree to your request as set forth in your letter dated March 28, 2023 with the exception of Count III (Unlawful Seizure of the dog). Specifically, as to Count III, Plaintiffs agree to dismiss Count III as to officer Cleveland only. Count III (unlawful seizure of the dog) as to Chief Unruh is NOT dismissed. Just for clarity, Count I (unlawful entry) and Count II (excessive force) as to officer Cleveland are NOT dismissed. Also, to be clear, the claims against Berrien County or the individual Berrien County defendants remain.

Please prepare a stipulation of dismissal at to the applicable claims for our review.

Charles E. Dunn, Esq.
Charles E. Dunn, PLC
P.O. Box 230
Clarkston, MI. 48347
CharlesEDunnPLC@gmail.com
248.807.6284

On Apr 19, 2023, at 9:53 AM, James T. McGovern <jmcgovern@lawssa.com> wrote:

Mr. and Mrs. Dunn – our MSJ is due 5/3/23. Please let me know if you have a response to the letter that we sent last month. Our hope is to avoid unnecessary briefing on issues/claims that you will not be taking to the jury. Please let us know as soon as possible as we are in the process of drafting our brief.

James T. McGovern, Esq.
Straub, Seaman & Allen, P.C.
1014 Main Street, St. Joseph, MI 49085
Direct: 269-982-7728
Cell: 773-580-0559

From: Denise A. VanHoven <dvanhoven@lawssa.com>
Sent: Tuesday, March 28, 2023 11:57 AM
To: Celeste Dunn <celestemdunnplc@gmail.com>; Charles Dunn <charlesdunnplc@gmail.com>; Meigs M. Day <mday@cmda-law.com>
Cc: James T. McGovern <jmcgovern@lawssa.com>; Beverly Wade <bwade@lawssa.com>; James G. Semonin <jsemonin@lawssa.com>
Subject: Essig & McCort v Berrien Co, et al; Our File No. 235.43284

Please see attached correspondence.

Denise A. Van Hoven

Denise A. Van Hoven
Legal Assistant to James M. Straub and
James T. McGovern
Straub, Seaman & Allen, P.C.
1014 Main Street, POB 318
St. Joseph, MI 49085
T 269-982-7724
dvanhoven@lawssa.com

<image001.jpg>

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<Pltf #15 - 7.1(d) Request to Plaintiffs to Dismiss Claims (01169756x7A44A).pdf>

From: [Charles Dunn](#)
To: [James T. McGovern](#)
Cc: [Meigs M. Day](#); [Celeste Dunn](#)
Subject: Essig Litigation
Date: Saturday, April 29, 2023 11:09:05 AM
Attachments: [Stipulation - Dismissal of Certain Claims Against Bridgman Defendants-4.28.23.DOCX](#)
[ATT00001.htm](#)

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Mr. McGovern, I am authorizing you to sign (e-sign) my name to the attached Stipulation of Dismissal. Please date the Stipulation with the correct date of filing.
Thanks.